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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,958	03/08/2001	Louise Mary Wasilewski	A-6979	8732

5642 7590 08/27/2008
SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

CHOKSHI, PINKAL R

ART UNIT	PAPER NUMBER
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2623

NOTIFICATION DATE	DELIVERY MODE
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08/27/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/801,958	Applicant(s) WASILEWSKI, LOUISE MARY	
	Examiner PINKAL CHOKSHI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 and 23-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 and 23-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/12/2008, with respect claim(s) 21 and 23-38 have been considered but are moot in view of the new ground(s) of rejection. See the new rejection below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 21, 23, 28-30, and 33-35** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,694,515 to De Bot et al (hereafter referenced as Debot).

Regarding **claim 21**, “a selectable recording device for providing recording options to record a particular program event” reads on the receiver device that stores specific content information based on user's input (col.1, lines 6-10; col.3, lines 1-11) disclosed by Debot and represented in Fig. 1.

As to “the device comprising: a storage device configured to store program information received from an input source” Debot discloses (col.3, lines

Art Unit: 2623

48-57) that the TV signal includes content information received from transmitter is stored in the storage device as represented in Fig. 1 (element 16).

As to “wherein the program information comprises a plurality of program events, wherein each program event is associated with of a set of available content streams” Debot discloses (col.1, line 66-col.2, line 3) that the content information, in TV signal, includes audio of the news, video of the news, and data information of the news.

As to “a processor configured to: provide a user option to select a desired subset of the set of available content streams associated with the particular program event for recording” Debot discloses (col.3, lines 1-11) that the control module receives user's preference information, which indicates what types of content information user prefers to store, and transmits this information to transmitter in order to receive content information preferred by the user included in the signal.

As to “wherein the subset excludes at least one available content stream from the associated set of available content streams” Debot discloses (col.4, lines 3-20) that based on the user's selection, for example sports report or MP3 song of a program, receiver only receives either sports reports or audio of the program.

As to “receive user input indicating the desired subset of available content streams for recording” Debot discloses (col.3, lines 63-66) that the receiver receives user's selection to retrieve the requested content information and stores

it in storage device.

Regarding **claim 23**, “the selectable recording device wherein the desired subset of available content streams includes no more than two types of the following types of content streams: an audio stream, a video stream, and a data stream” Debot discloses (col.1, line 66-col.2, line 3) that the content information includes audio of the news, video of the news, and/or data information of the news.

Regarding **claim 28**, “a method for providing recording options to a user” reads on the method that stores specific content information based on user’s input (col.1, lines 6-10; col.3, lines 1-11) disclosed by Debot and represented in Fig. 1.

As to “method comprising: receiving program information” Debot discloses (col.3, lines 48-57) that the TV signal includes content information received from transmitter is stored in the storage device as represented in Fig. 1 (element 16).

As to “wherein the program information comprises a plurality of program events, wherein each program event is associated with a set of available content streams” Debot discloses (col.1, line 66-col.2, line 3) that the content information, in TV signal, includes audio of the news, video of the news, and data information of the news.

As to “providing a user option to select a desired subset of the set of available content streams associated with a particular program event for recording” Debot discloses (col.3, lines 1-11) that the control module receives user's preference information, which indicates what types of content information user prefers to store, and transmits this information to transmitter in order to receive content information preferred by the user included in the signal.

As to “wherein the subset excludes at least one available content stream from the associated set of available content streams” Debot discloses (col.4, lines 3-20) that based on the user's selection, for example sports report or MP3 song of a program, receiver only receives either sports reports or audio of the program.

As to “receiving user input indicating the desired subset of available content streams for recording” Debot discloses (col.3, lines 63-66) that the receiver receives user's selection to retrieve the requested content information and stores it in storage device.

Regarding **claim 29**, “the method wherein the program information comprises at least one of the following content streams: an audio stream, a video stream, and a data stream” Debot discloses (col.1, line 66-col.2, line 3 and claim 5) that the content information included in TV signal includes audio, video data.

Regarding **claim 30**, “the method wherein the desired subset of available content streams includes no more than two types of the following types of content streams: an audio stream, a video stream, and a data stream” Debot discloses (col.1, line 66-col.2, line 3) that the content information includes audio of the news, video of the news, and/or data information of the news.

Regarding **claim 33**, “a system for providing recording options to a user” reads on the receiver device that stores specific content information based on user's input (col.1, lines 6-10; col.3, lines 1-11) disclosed by Debot and represented in Fig. 1.

As to “system comprising: a receiver configured to receive program information from an input source” Debot discloses (col.3, lines 48-57) that the TV signal includes content information received from transmitter is stored in the storage device as represented in Fig. 1 (element 16).

As to “the program information comprising a plurality of programs wherein each program comprises one or more program events, wherein each program event is associated with a set of available content streams” Debot discloses (col.1, line 66-col.2, line 3) that the content information, in TV signal, includes audio of the news, video of the news, and data information of the news.

As to “a control system configured to: provide a user option to select a desired subset of the set of available content streams associated with a particular program event for recording” Debot discloses (col.3, lines 1-11) that the control

module receives user's preference information, which indicates what types of content information user prefers to store, and transmits this information to transmitter in order to receive content information preferred by the user included in the signal.

As to “wherein the subset excludes at least one available content stream from the associated set of available content streams” Debot discloses (col.4, lines 3-20) that based on the user’s selection, for example sports report or MP3 song of a program, receiver only receives either sports reports or audio of the program.

As to “receive a user command indicating the desired subset of available content streams for recording” Debot discloses (col.3, lines 63-66) that the receiver receives user’s selection to retrieve the requested content information and stores it in storage device.

Regarding **claim 34**, “the system wherein the program information comprises at least one of the following content streams: an audio stream, a video stream, and a data stream” Debot discloses (col.1, line 66-col.2, line 3 and claim 5) that the content information included in TV signal includes audio, video data.

Regarding **claim 35**, “the system wherein the desired subset of available content streams includes no more than two types of the following types of content streams: an audio stream, a video stream, and a data stream” Debot

discloses (col.1, line 66-col.2, line 3) that the content information includes audio of the news, video of the news, and/or data information of the news.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 24-27, 31, 32, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Debot et al in view of US PG Pub 2002/0090087 to Tamura et al (hereafter referenced as Tamura).

Regarding **claim 24**, Debot meets all the limitations of the claim except “the selectable recording device further comprising a decryption device configured to decrypt scrambled programming.” However, Tamura discloses (¶0024) that the MPEG stream received in the PVR is descrambled by descrambler as represented in Fig. 2 (element 208). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Debot’s system by using descrambler to decrypt scrambled programming as taught by Tamura in order to provide information relevant to the currently selected program (¶0024).

Regarding **claim 25**, “the selectable recording device wherein the program information comprises an MPEG transport stream” Debot discloses (col.1, lines 48-55) that the content information is included in TV signal. However, Debot does not explicitly teach that the TV signal is MPEG transport stream. Tamura discloses (¶0024) that the PVR receives MPEG transport stream. As to “wherein the processor determines an available content stream by parsing at least one MPEG table within the transport” Tamura discloses (¶0024) that the Program Association Table and Program Map Table are included in transport stream. Tamura further discloses that based on the user’s selection of particular program content, system in PVR filters MPEG stream that includes information such as audio stream and video stream relevant to the user's selected program as well as Program Association Table and Program Map Table of transport stream. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Debot’s system by using descrambler to decrypt scrambled programming as taught by Tamura in order to provide information relevant to the currently selected program (¶0024).

Regarding **claim 26**, “the selectable recording device wherein the processor is further configured to identify at least one available packet identifier that represents at least one available content stream within the transport stream” Tamura discloses (¶0024) that the PID identifies content stream within the transport stream. Therefore, it would have been obvious to one of the ordinary

Art Unit: 2623

skills in the art at the time of the invention to modify Debot's system by using PID to identify stream as taught by Tamura in order to provide accurate information relevant to the currently selected program (§0024).

Regarding **claim 27**, "the selectable recording device further comprising at least one decoder configured to decode at least one available content stream" Tamura discloses (§0028) that the decoder in PVR decodes the transport stream as represented in Fig. 2 (element 264). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Debot's system by using decoder to decode transport stream as taught by Tamura in order to provide audio, video, or any other data related to program event.

Regarding **claim 31**, Debot meets all the limitations of the claim except "the method further comprising decrypting at least a portion of the received program information." However, Tamura discloses (§0024) that the MPEG stream received in the PVR is descrambled by descrambler as represented in Fig. 2 (element 208). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Debot's system by using descrambler to decrypt scrambled programming as taught by Tamura in order to provide information relevant to the currently selected program (§0024).

Regarding **claim 32**, “the method wherein the program information includes an MPEG transport stream” Debot discloses (col.1, lines 48-55) that the content information is included in TV signal. However, Debot does not explicitly teach that the TV signal is MPEG transport stream. Tamura discloses (§0024) that the PVR receives MPEG transport stream. As to “the method further comprising: identifying available packet identifiers that represent available streams within the transport stream” Tamura discloses (§0024) that the PID identifies content stream within the transport stream. As to “determining an available content stream by parsing at least one MPEG table within the transport stream” Tamura discloses (§0024) that the Program Association Table and Program Map Table are included in transport stream. Tamura further discloses that based on the user’s selection of particular program content, system in PVR filters MPEG stream that includes information such as audio stream and video stream relevant to the user's selected program as well as Program Association Table and Program Map Table of transport stream. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Debot’s system by using descrambler to decrypt scrambled programming as taught by Tamura in order to provide information relevant to the currently selected program (§0024).

Regarding **claim 38**, “the system further comprising: a reverse path coupled to the control system, the reverse path configured to communicate user

input to the control system” Debot discloses (col.4, lines 6-10) that the user preference is transferred from the control module to the transmitter as represented in Fig. 1 (elements 18, 22, 10).

As to “a distribution system configured to communicate the desired subset of available content streams to the user device” Debot discloses (col.3, lines 43-47 and col.4, lines 10-13) that the transmitter uses user’s input information to include content information into the signal and transmits it to the receiver as represented in Fig. 1 (element 10, 11, 20).

As to “the system wherein the program information comprises an MPEG transport stream” Debot discloses (col.1, lines 48-55) that the content information is included in TV signal. However, Debot does not explicitly teach that the TV signal is MPEG transport stream. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Debot’s system by using MPEG stream as taught by Tamura in order to provide much smaller file for the same quality.

6. **Claims 36 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Debot et al in view of US Patent 6,418,424 to Hoffberg et al (hereafter referenced as Hoffberg).

Regarding **claim 36**, Debot meets all the limitations of the claim except “the system further comprising a modulator configured to receive the subset of desired available content streams and associate the at least one content stream

with a predefined frequency.” However, Hoffberg discloses (col.60, lines 27-31) that the modulator receives the output of analog/digital signals at set frequency as represented in Fig. 20 (element 2006). Hoffberg further discloses (col.95, lines 11-14) that the digital data received is encrypted and transmission modulation includes an encrypted set of frequency. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Debot's system with a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator in order to allow proper communications between the transmitting site and receiving site.

Regarding **claim 37**, “the system wherein the control system is further configured to communicate information to the modulator from the user device” Hoffberg discloses (col.60, lines 24-29) that the controller communicates with modulator to transmits/receives information as represented in Fig. 20 (elements 2003, 2006). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Debot's system with a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator in order to allow proper communications between the transmitting site and receiving site.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PRC/
/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2623